

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|                                |   |                            |
|--------------------------------|---|----------------------------|
| UNITED STATES OF AMERICA,      | ) |                            |
|                                | ) |                            |
| Plaintiff,                     | ) |                            |
|                                | ) |                            |
| vs.                            | ) | Case No. CR-15-00196-001-M |
|                                | ) |                            |
| RICKY C. WILLIAMS,             | ) |                            |
|                                | ) |                            |
| Defendant,                     | ) |                            |
|                                | ) |                            |
| and                            | ) |                            |
|                                | ) |                            |
| USAA FEDERAL SAVINGS BANK,     | ) |                            |
| and its successors or assigns, | ) |                            |
|                                | ) |                            |
| Garnishee.                     | ) |                            |

**ORDER FOR DISPOSITION OF GARNISHED FUNDS**

A Writ of Garnishment was issued to USAA Federal Savings Bank (“USAA”) on December 21, 2016. On January 17, 2017, USAA filed an answer, which included an objection stating that the account was under a prior internal hold from its Fraud Department and, thus, was not subject to garnishment. Defendant Ricky C. Williams (“Williams”) filed his objection to the Writ of Garnishment on February 16, 2017. On July 20, 2017, U.S. Magistrate Judge Shon T. Erwin issued a Report and Recommendation recommending the denial of the government’s application for a post-judgment writ of garnishment. The government filed an objection to the Report and Recommendation. On October 2, 2017, the Court entered an order declining to adopt the Report and Recommendation and granting the government’s application for a post-judgment writ of garnishment. On October 13, 2017, an Order for Disposition of Garnished Funds was entered.

Williams filed an appeal to the United States Court of Appeals for the Tenth Circuit on October 24, 2017. On August 7, 2018, the Tenth Circuit issued its order, affirming this Court's conclusion that the government may seek garnishment of Williams' bank account, but noting that this Court had failed to consider USAA's objection to the writ of garnishment. On August 31, 2018, this Court referred this matter back to the magistrate judge for review.

U.S. Magistrate Judge Erwin issued a Report and Recommendation on September 13, 2018, recommending the denial of USAA's objection and the entry of an order for the release of the funds held by USAA. Based upon the Court's failure to mail a copy of the Report and Recommendation to USAA, the Court, on October 17, 2018, extended USAA's time to file any objection to November 5, 2018. USAA has not filed any objection.

Upon review of this matter, the Court **ADOPTS** the Report and Recommendation [Doc. #73] issued by U.S. Magistrate Judge Erwin, **DENIES** USAA's objection to the writ of garnishment, and **FINDS** that the funds held by USAA should be released. The Court, therefore, **ORDERS** USAA to disburse all nonexempt monies and property of defendant Ricky C. Williams withheld since the date of service of the Writ of Garnishment, and make all future payments and monies withheld under the continuing Writ of Garnishment payable to the:

U.S. District Court Clerk  
U.S. Courthouse  
200 N.W. 4<sup>th</sup> Street, Suite 1210  
Oklahoma City, OK 73102

**IT IS SO ORDERED.**

Dated this 29th day of November, 2018.



JOE HEATON  
CHIEF U.S. DISTRICT JUDGE